

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

Harry Anthony Schena III
(full name))

(Register No.))
#1018855)

Case No. 18-3210-CV-S-BP-P
Plaintiff(s).)

v.)

Defendant(s).)
James Sigma
(Full name))

Defendants are sued in their (check one):
 Individual Capacity
 Official Capacity
 Both

COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983

I. Place of present confinement of plaintiff(s): F.R.D.C., Fulton, MO

II. Parties to this civil action:

Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff Harry Anthony Schena III Register No. #1018855
Address F.R.D.C. P.O. Box 190
Fulton, MO 65251

B. Defendant James Sigma
Is employed as Sheriff of Texas County, MO

For additional plaintiffs or defendants, provide above information in same format on a separate page.

- III. Do your claims involve medical treatment? Yes _____ No
- IV. Do you request a jury trial? Yes No _____
- V. Do you request money damages? Yes No _____
- State the amount claimed? \$ 1,000,000.00 (actual/punitive)

VI. Are the wrongs alleged in your complaint continuing to occur? Yes _____ No

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure?

Yes No _____

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution?

Yes _____ No

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

N/A

D. If you have not filed a grievance, state the reasons.

Sheriff Sigman's actions against me occurred hours before I was transferred from Texas County jail to F.R.D.C.

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case?

Yes No _____

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated?

Yes No _____

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: Harry Anthony Schena III / #1018855 / James Sigman, et al.,
(Plaintiff) (Defendant)

(2) Date filed: May 29, 2018

- (3) Court where filed: U.S. District Court, Western District of Miss
- (4) Case Number and citation: 6:18-cv-03169 - BP-P
- (5) Basic claim made: Excessive Force / Refusal of Medical Treatment
- (6) Date of disposition: Undisposed
- (7) Disposition: Pending
(Pending) (On appeal) (resolved)
- (8) If resolved, state whether for: N/A
(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

See additional attached "Statement of Claim" paper.

- B. State briefly your legal theory or cite appropriate authority:

Used excessive force

IX=Statement of Claim

Section A.

On April 4, 2018, two days after my arrival in the Texas County Jail, I was discussing with Sheriff James Sigman my confined placement in the holding/booking area cells versus my placement in a general population cell, per Sheriff Sigman's promise the previous day to move me to a general population cell. This discussion was taking place face to face as Sheriff Sigman was standing in the open doorway of my holding area/booking area cell.

The discussion became very heated and Sheriff Sigman attacked me, tackling me nearly all the way to the ground.

Sheriff Sigman wrestled me into a position where his arm was around my neck, with my adams apple and front of my throat in the inside crook of his elbow.

Sheriff Sigman began repeatedly slamming me to the ground, then jerking me back to a nearly standing position, then Sheriff Sigman drug me to an "isolation" cell, all the while choking me, with his arm locked around my throat, under my jaw. At no point during this altercation was I resisting in any way. Sheriff Sigman's actions damaged the hardware in my already injured jaw, thus re-injuring my as-yet-unhealed fracture.

- X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.
I want 1,000,000.00 after taxes and fees/costs, as well as Sheriff Simmons's resignation. I want updated grievance policy in Texas County and improved training for law enforcement, as well as payment of all medical expenses.
- XI. Counsel: As payment of all medical expenses.

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. Nathaniel Simmons # 286150

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes No X

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.
~~n/a~~

C. Have you previously had a lawyer representing you in a civil action in this court?

Yes No X

If your answer is "Yes," state the name and address of the lawyer.
~~n/a~~

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this 27 day of JUNE 2018

Harry A Schein III
Signature(s) of Plaintiff(s) 1018855

Harry Anthony Schemma III
#1018855 H.U. 5-D-142-5
F.R.D.C. P.O. Box 190
Fulton, MO 65251

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